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# BOOK REVIEWS.

GILBERT J. HIRSCH, *Editor-in-Charge.*

THE LAW OF TORTS. By FRANCIS M. BURDICK. Second edition. Albany, N. Y. BANKS & Co. 1908. pp. lxxxix, 550.

The second edition of this excellent book differs from the first in 1905 only in the addition of chapters upon the Tort Liability of Telegraph and Telephone Companies and upon Injunction as a Tort Remedy. The desirability of the latter was suggested by the learned reviewer of the first edition, Sir Frederick Pollock, in 6 COLUMBIA LAW REVIEW, 209. Both chapters contain concise and accurate statements of the law upon the same scale and plan as the older parts of the book, and add materially to its serviceableness.

It is to be regretted that the author's other engagements did not permit him to include in the annotation of the original chapters a considerable number of interesting cases that have appeared since the first edition. Perhaps certain parts of the text might also be expanded to keep pace with the growth and changing emphasis of this oldest and yet still plastic branch of our law. Particularly is this true of the ever increasing number of cases defining the liability of combinations of labor and capital which in the last five years have put a sometimes unexpected visage of flesh upon various skeletons of legal theory. The right of privacy must also be reckoned with anew, since *Pavesich v. New England Insurance Co.*, 122 Ga. 190, and *Edison v. Edison Polyform Co.*, 67 Atl. (N. J.) 392; and the nature of the privilege of fair comment must now be considered in the light of *Thomas v. Bradbury & Co.* [1906] 2 K. B. 627. The new federal Employers' Liability Act is likely to rekindle a healthy interest in the rejected doctrine of comparative negligence, and it seems inevitable that in a few years legislation will lay the ax at the roots of most of that forest of learning that now deals with fellow-servants and the assumption of risk. If the present reviewer might also make a suggestion about future editions it would be that, for the benefit of students, a little more space be devoted to dealing with the loose thinking so common in judicial discussions of the effect of a plaintiff's illegality as "cause" or "condition," of the "last chance" doctrine, and of "degrees" of negligence. It would perhaps be too much to ask that anyone in a general work of moderate bulk should attempt a thorough-going analysis of "legal cause," but Professor Burdick's unusual power of clear statement leads one to wish he might undertake it.

Like most changes proposed in a good book by a reviewer, however, these matters are of minor importance with reference to the work's avowed purpose as an "exposition of established rules of law," and in this field it is difficult to think of another treatise on the subject that for American use is comparable with this in well-balanced brevity, accuracy, and clearness.

J. P. H.